

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 4342 of 2006
Date of Decision: 12.3.2007

Hans Raj ...Appellant

Versus

Ram Lal and another Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Shri Paramjit Rajput, Advocate, for the appellant.

HEMANT GUPTA, J.

The defendant is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby the suit for possession of the disputed house by partition, was decreed.

It was the case of the defendant-appellant that he has raised construction of the disputed house by spending a huge amount about 20 years back. However, a finding has been recorded on the basis of the statement of the defendant in the cross-examination, that his birth took place in the disputed house. From the said statement, it is apparent that the house was in existence even prior to the birth of the defendant-appellant. Therefore, the stand of the appellant that he has raised the construction of the house, has rightly not been believed by the Courts below.

The argument raised by the learned counsel for the appellant is in the realm of re-appreciation of evidence, which is not permissible at this stage.

Consequently, I do not find any patent illegality or irregularity in the findings recorded by the Courts below, which may give rise to any substantial question of law in the present second appeal.

Hence, the present appeal is dismissed.

12-03-2007
ds

(HEMANT GUPTA)
JUDGE